

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JERAMY HENKEN,

Plaintiff,

Case No. 3:20-cv-00371

vs.

IRON WORKERS DISTRICT COUNCIL
OF SOUTHERN OHIO & VICINITY
PENSION TRUST, *et al.*,

District Judge Michael J. Newman

Defendants.

ORDER: (1) GRANTING THE PARTIES' UNOPPOSED JOINT MOTION TO VOLUNTARILY DISMISS PLAINTIFF'S CLAIMS AGAINST DEFENDANT ANNUITY FUND; (2) DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANT ANNUITY FUND WITH PREJUDICE; (3) TERMINATING DEFENDANT ANNUITY FUND AS A PARTY TO THIS CASE; (4) AMENDING THE CASE CAPTION; (5) DENYING DEFENDANT ANNUITY FUND'S MOTION TO DISMISS AS MOOT (DOC. 10); AND (5) ORDERING PLAINTIFF TO SHOW CAUSE

This civil case is presently before the Court on the parties' unopposed joint motion to voluntarily dismiss Plaintiff's claims against Defendant Iron Workers District Council of Southern Ohio Annuity Trust ("Annuity Fund") with prejudice pursuant to Fed. R. Civ. P. 21. For good cause shown, and absent opposition, the Court **ORDERS** as follows: (1) the unopposed joint motion for voluntary dismissal (doc. 15) is **GRANTED**; (2) Plaintiff's claims against Defendant Annuity Fund are **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 21; (3) Defendant Annuity Fund is **TERMINATED** as a party to this case; and (4) the case caption is hereinafter **AMENDED** to read as captioned above.

In light of the voluntary dismissal of Plaintiff's claims against Defendant Annuity Fund, its previously filed motion to dismiss (doc. 10) is **DENIED AS MOOT**.

This case remains pending on Plaintiff's claims against Defendant Iron Workers District Council of Southern Ohio & Vicinity Pension Trust ("Pension Fund"), which filed a motion for judgment on the administrative record on October 26, 2020. Doc. 19. Pursuant to the Local Rules of this Court, and Fed. R. Civ. P. 6(d), Plaintiff's memorandum in opposition was due on or before November 16, 2020. To date, Plaintiff has not filed a memorandum in opposition to Defendant Pension Fund's motion. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE**, in writing and on or before **December 8, 2020**, as to why the motion for judgment on the administrative record should not be granted for the reasons set forth therein. This show cause requirement can be satisfied by Plaintiff's filing of a memorandum in opposition to Defendant's motion for judgment on the administrative record on or before **December 8, 2020**. Plaintiff is **ADVISED** that failure to show good cause or file a memorandum in opposition as set forth above may result in the dismissal of this case for failure to prosecute.

IT IS SO ORDERED.

Date: November 30, 2020

s/Michael J. Newman
Michael J. Newman
United States District Judge